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Attorney for Peter McCaffrey

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**FRANK REED**  
Pro Se Plaintiff,

v.

**GMACM**  
Defendant.

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)  
) Case No. 12-1202 (M6)  
)  
)

) Chapter 11  
)  
)

) **NOTICE OF MOTION TO**  
) **QUASH SUBPOENA**  
) **COMPELLING**  
) **APPEARANCE AT TRIAL**  
) **OR HEARING BY PETER**  
) **McCAFFREY**

Please take notice that Peter McCaffrey ("McCaffrey") hereby moves to quash the annexed subpoena, dated September 14, 2016, directing McCaffrey to appear and testify at Trial or Hearing before the U.S. Bankruptcy Court at Courtroom 523 on September 30, 2016. McCaffrey will rely upon his certification, dated September 26, 2016, in support of the motion to quash.

  
\_\_\_\_\_  
Christopher Norman, Esq.

Dated: September 26, 2016



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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**FRANK REED**

Pro Se Plaintiff,

v.

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Defendant.

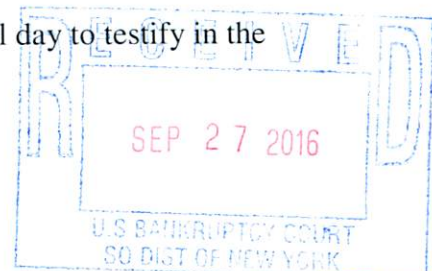
Case No. 12-1202 (M6)

Chapter 11

**CERTIFICATION OF  
PETER McCAFFREY IN  
SUPPORT OF HIS  
MOTION TO QUASH  
SUBPOENA**

Peter McCaffrey, of full age, does hereby certify as follows:

1. The annexed subpoena (Exhibit "A") was served by Frank Reed at my part-time place of employment at 5 pm on Tuesday, September 23, 2016, only seven (7) days before the trial or hearing date.
2. I am 76-years of age and not in good health. I have been hospitalized three (3) times within this past calendar year (2016). Also, my wife passed away within the past year. It has been a very stressful time for me, both mentally and physically.
3. I do not feel I have the mental and physical stamina to travel a commute of 92 miles from Voorhees, New Jersey to the U.S. Bankruptcy Court in New York City. It would be unduly burdensome to me to travel this distance, then have to spend a full day to testify in the



Bankruptcy Court in New York City (about who knows what) and then have to travel back home.

4. Presently, I work only 5 to 10 hours a week at Robert M. Sapio Real Estate Appraisal & Consulting, LLC at 314 Cherry Avenue, in Voorhees, New Jersey (in South Jersey). I do this in my spare time. Otherwise, I am retired. I am still a New Jersey licensed appraiser, but my work load is minimal.


5. I did an appraisal for Frank Reed many years ago. Frank Reed did not pay the bill for my professional services. Frank Reed still owes my employer, Robert M. Sapio a sum of \$550 for an appraisal I prepared for him.

6. I cannot provide any testimony regarding the appraisal I did for Frank Reed's purchase of his home, which I believe dates back to 2008, because the appraisal is outdated and no longer viable.

7. It is incredible to me that Mr. Reed thinks he can obtain my professional services as a New Jersey licensed appraiser for free, and then expect me to travel to New York City (at age 76) to provide testimony at trial or a hearing (possibly professional expert testimony) at no cost, relating to a subject matter from many years ago.

8. Under these circumstances, which are completely unduly burdensome, I request that the Bankruptcy Court quash the subpoena.

I certify that the forgoing statements made by me are true. I am aware that if any of the forgoing statements made by me are willfully false, I am subject to punishment.

  
Peter McCaffrey

Dated: September 26, 2016

B2550 (Form 2550 - Subpoena to Appear and Testify at a Hearing or Trial in a Bankruptcy Case or Adversary Proceeding) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District District of New York  
In re GMAC Rescorp  
Debtor

Case No. 12-12012 (mg)

Chapter 11

Adv. Proc. No. \_\_\_\_\_

(Complete if issued in an adversary proceeding)

Frank Reed  
Plaintiff

GMAC  
Defendant

SUBPOENA TO APPEAR AND TESTIFY  
AT A HEARING OR TRIAL IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)

To: Pete McCaffrey  
(Name of person to whom the subpoena is directed)

☒ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the time, date, and place set forth below to testify at a hearing or trial in this bankruptcy case (or adversary proceeding). When you arrive, you must remain at the court until the judge or a court official allows you to leave.

|       |   |               |                |
|-------|---|---------------|----------------|
| PLACE | <u>SDNY Bankruptcy Court</u><br><u>One Bowling Green</u><br><u>New York, NY 10004</u> | COURTROOM     | <u>523</u>     |
|       |   | DATE AND TIME | <u>9.30.16</u> |

You must also bring with you the following documents, electronically stored information, or objects (leave blank if not applicable):

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 9/14/2016

Vito Genna  
CLERK OF COURT

U.S. Bankruptcy Court, S.D.N.Y.,  
One Bowling Green  
New York, N.Y. 10004-1408  
OR

Minnie L. Porter  
Minnie L. Porter  
Signature of Clerk or Deputy Clerk

\_\_\_\_\_  
Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party)

Frank Reed, who issues or requests this subpoena, are:  
Frank Reed NJ@aol.com 817 Matthew Dr (956) 956-6950  
210025000 NO  
08057

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

| UNITED STATES<br>POSTAL SERVICE®                                  |                               | POSTAL MONEY ORDER     |               |
|---|-------------------------------|------------------------|---------------|
| Serial Number   | 23600443364                   | Year, Month, Day       | 2016-09-20    |
| Amount  | Ninety Two Dollars and 90/100 | Post Office            | 080370        |
|   |                               | U.S. Dollars and Cents | \$92.90       |
| Pay to  | Pete McAfee                   |                        |               |
| Address   |                               | From                   | Frank Reed    |
|   |                               | Address                | 817 Nutter St |
|   |                               |                        | Westbury NJ   |
| Memo  | Curt Hovner                   |                        |               |
| © 2008 United States Postal Service. All Rights Reserved.         |                               |                        |               |
| SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS |                               |                        |               |
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This tool can be used to find the distance between two named points on a map. You can decide which two points to measure and then find out the distance between them as the crow flies and distance when driving. Type in the names of the places below and click the Show button.

## Options

City, Country      City, Country

From One Bowling Green New York, I to to 314 Cherry Avenue, Voorhee

Show

Measure in :

Miles

☐ Avoid Motorways/Highways?

Distance as the Crow Flies : 79.143

Distance by Land Transport : 92.129



You can **link to this result** : [How Far is it Between One Bowling Green New York, NY 10004-1408 and to 314 Cherry Avenue, Voorhees, NJ](https://www.freemaptools.com/how-far-is-it-between-one-bowling-green-new-york-ny-10004-1408-and-to-314-cherry-avenue-voorhees-nj)

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